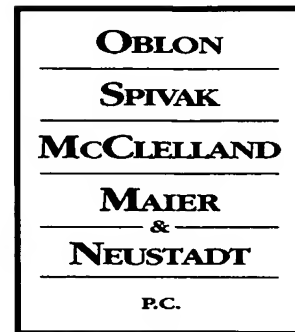




Docket No.: 246632US2

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/733,246  
Applicants: Keiichi SERIZAWA, et al.  
Filing Date: December 12, 2003  
For: OPTICAL SCANNER AND IMAGE FORMING  
APPARATUS  
Group Art Unit: 2861  
Examiner: Hai Chi Pham

SIR:

Attached hereto for filing are the following papers:

**Provisional Election**

Our check in the amount of \_\_\_\_\_ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

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DOCKET NO: 246632US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
KEIICHI SERIZAWA, ET AL. : EXAMINER: HAI CHI PHAM  
SERIAL NO: 10/733,246 :  
FILED: DECEMBER 12, 2003 : GROUP ART UNIT: 2861  
FOR: OPTICAL SCANNER AND IMAGE :  
FORMING APPARATUS

PROVISIONAL ELECTION

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

In response to the Official Action mailed October 12, 2005, Applicants provisionally elect, with traverse, Group I, Claims 1-5 and 19-20 for further examination on the merits in the present application.

Applicant respectfully traverses the Restriction requirement because the PTO has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.<sup>1</sup>

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<sup>1</sup> To do justice to either identified group of claims, it is respectfully submitted that it would be necessary to search in all Classes and subclasses identified in paragraph 1 at page 2 of the outstanding Official Action.

Accordingly, Applicant respectfully traverses the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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